## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

THE ESTATE OF DANIEAL KELLY :

BY AND THROUGH ABRAHAM J. GAFNI

ADMINISTRATOR, D.B.N., : CIVIL ACTION

Plaintiff, :

vs. : NO. 08-3700

:

MULTIETHNIC BEHAVIORAL HEALTH, INC.; : MICKAL K. KAMUVAKA; JULIUS MURRAY; : DANA M. POINDEXTER; LAURA SOMMERER; : ANDREA KELLY; and DANIEL KELLY, :

Defendants. :

## ORDER

**AND NOW** this 9th day of September, 2009, upon consideration of Troy Washington's Motion to Intervene and to Object to the Withdrawal of Causes of Action for Civil Rights Violations and for Violations of Constitutional Protections Enjoyed by and/or Owed to his Sister, Danieal Kelly (Doc. Nos. 35-36, filed July 23, 2009), Plaintiff's Reply to the Motion of Troy Washington To Intervene and to Object to the Withdrawal of Causes of action for Civil Rights Violations and for Violations of Constitutional Protections Enjoyed by and/or Owed to his Sister Danieal Kelly (Doc. No. 37, filed July 28, 2009), the Objections of Interested Party Daniel Kelly, the Natural Father of Danieal N. Kelly, ("Objector") to Plaintiff's Proposed Amended Complaint (Doc. No. 42, filed August 3, 2009), the City of Philadelphia's Response to Troy Washington's Motion to Intervene and Objections to Withdrawal of Causes of Action for Civil Rights Violations and for Violations of Constitutional Protections Enjoyed by and/or Owed to his Sister, Danieal Kelly (Doc. No. 50, filed August 11, 2009), the City of Philadelphia's Response to Daniel Kelly's Objections to Plaintiff's Amended Complaint (Doc. No. 51, filed August 12, 2009), the Commonwealth Defendants' Memorandum of Law in Opposition to "Objections of Interested Party Daniel Kelly, the Natural Father of Danieal N. Kelly to Plaintiff's Proposed Amended Complaint" and "Troy Washington's Motion to Intervene and to Object to the

Case 2:08-cv-03700-JD Document 58 Filed 09/09/09 Page 2 of 2

Withdrawal of Causes of Action for Civil Rights Violations and for Violations of Constitutional

Protections Enjoyed by and/or Owed to his Sister, Danieal Kelly" (Doc. No. 52, filed August 13,

2009), and Troy Washington's Reply to the Governmental Defendants' Responses to His Motion

to Intervene (Doc. No. 53, filed August 19, 2009, modified August 27, 2009), for the reasons set

forth in the accompanying Memorandum dated September 9, 2009, IT IS ORDERED that Troy

Washington's Motion to Intervene and to Object to the Withdrawal of Causes of Action for Civil

Rights Violations and for Violations of Constitutional Protections Enjoyed by and/or Owed to his

Sister, Danieal Kelly and the Objections of Interested Party Daniel Kelly, the Natural Father of

Danieal N. Kelly, ("Objector") to Plaintiff's Proposed Amended Complaint are **DENIED**.

**BY THE COURT:** 

/s/ Honorable Jan E. DuBois JAN E. DUBOIS, J.

-2-